

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

BRIAN SCOTT DUNN

Plaintiff,

v.

SHERIFF MORGAN MILLIRONS,

Defendant.

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Case No. 7:14-cv-00429

**DECLARATION OF SHERRY B. HARRIS**

I, SHERRY B. HARRIS, make the following declaration:

I am over the age of eighteen (18) years and of sound mind. I make this declaration of my own personal knowledge and/or belief.

1. I consult with clients on issues related to electronic discovery (including preservation, collection, review and production). The facts stated in this declaration are within my personal knowledge and, if called as a witness to testify, I could and would competently testify to the facts contained in this declaration.

**QUALIFICATIONS**

2. As detailed in my Curriculum Vitae ("CV"), a true and correct copy of which is attached hereto as Attachment A, I am a member of committees and boards for organizations that address electronic discovery law, best practices and industry standards, including: the Steering Committee for The Sedona Conference Working Group on Best Practices for Electronic Document Retention and Production and the

Advisory Board for Georgetown University Law Center's Advanced E-Discovery Institute.

3. I have authored or edited numerous commentaries and articles on the topic of electronic discovery as set out in my CV.

4. I regularly speak at conferences and before professional organizations on electronic discovery issues including preservation, collection, review and production as set out in my CV.

5. I am familiar with, and knowledgeable about, issues relating to the preservation, collection, review and production of electronically stored information in litigation. This knowledge comes from thirty-nine (39) years of addressing these issues in litigation, my extensive experience advising corporations and law firms on the rules and regulations that relate to electronic discovery, and my involvement with The Sedona Conference Working Group on Best Practices for Electronic Document Retention and Production.

#### **DOCUMENTS PRODUCED BY DEFENDANT**

6. I was retained by Plaintiff to examine certain system-generated metadata<sup>1</sup> ("metadata") fields of five (5) electronic files produced by Defendant.

7. The metadata fields were viewed using a file list details display in Windows 7 Internet Explorer available to any Windows 7 operating system user,

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<sup>1</sup> System-generated metadata is defined as "[i]nformation about a file that is created and applied to a file by a computer process or application" by *The Sedona Conference Glossary: E-Discovery and Digital Information Management (Fourth Edition)* (Editor: Sherry B. Harris, et als.), available for download at <https://thesedonaconference.org/>.

not by or utilizing forensics methods or applications. Further forensic examination by a qualified forensics examiner may reveal more detailed and specific information.

8. The names of the files examined and information contained in metadata fields is set forth in the chart at Attachment B.

9. The metadata date fields associated with the files produced by Defendant indicate the files were all created, modified, accessed, saved and printed at various times within a three and a half (3.5) hour period on November 7, 2013, as set forth in Attachment B.

10. Total editing time for the files ranges from four (4) to forty-nine (49) minutes per document, as set forth in Attachment B.

11. Editing time for all files totals one hundred and eleven (111) minutes, or 1.85 hours.

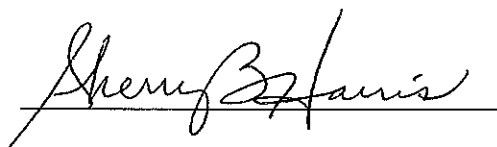
12. The metadata date fields and editing time field indicate the documents were created and saved consecutively and in sequence.

13. The information in the "author" and "creator" metadata fields associated with all the files is "morgan," as set forth in Attachment B.

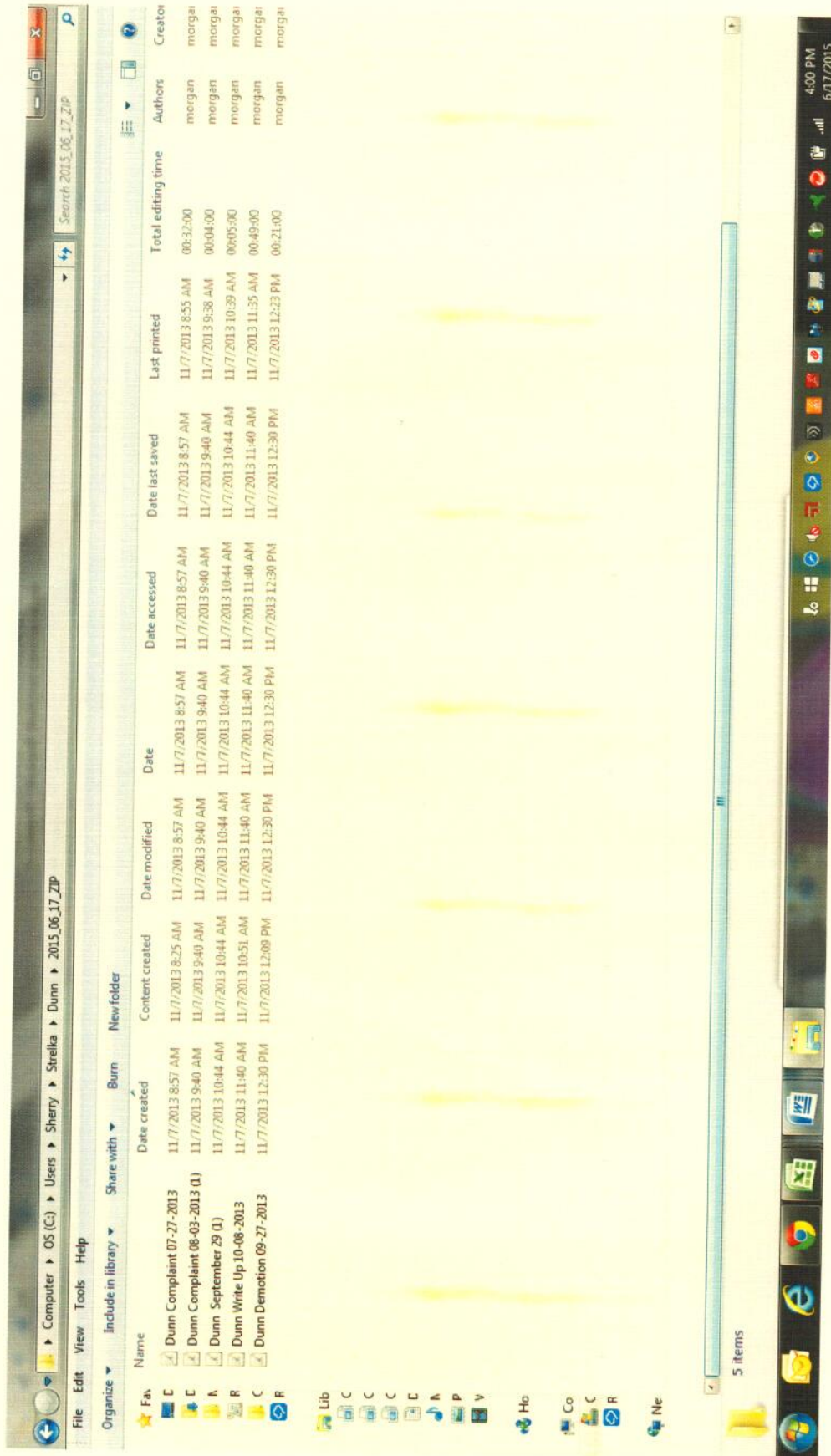
14. The information in the "company" metadata field associated with all the files is "Giles County Sheriff's Office."

I declare under the penalty of perjury that the foregoing is true and correct.

SIGNED in Richmond, VA, this 18<sup>th</sup> day of June, 2015.

A handwritten signature in cursive script, reading "Sherry B. Harris", written over a horizontal line.

SHERRY B. HARRIS



ATTACHMENT B

Search 2015\_06\_17.Zip

File Edit View Tools Help

Organize Open Share with E-mail Burn New folder

Fav	created	Date modified	Date	Date last saved	Last printed	Total editing time	Authors	Creators	Company	Type	Size
E3 8:25 AM	11/7/2013 8:57 AM	11/7/2013 8:57 AM	11/7/2013 8:57 AM	11/7/2013 8:57 AM	11/7/2013 8:55 AM	00:32:00	morgan	morgan	Giles County Sheriff's Office	DOC File	21 KB
E3 9:40 AM	11/7/2013 9:40 AM	11/7/2013 9:40 AM	11/7/2013 9:40 AM	11/7/2013 9:40 AM	11/7/2013 9:38 AM	00:04:00	morgan	morgan	Giles County Sheriff's Office	DOC File	23 KB
R3 10:44 AM	11/7/2013 10:44 AM	11/7/2013 10:44 AM	11/7/2013 10:44 AM	11/7/2013 10:44 AM	11/7/2013 10:39 AM	00:05:00	morgan	morgan	Giles County Sheriff's Office	DOC File	21 KB
R3 10:51 AM	11/7/2013 11:40 AM	11/7/2013 11:40 AM	11/7/2013 11:40 AM	11/7/2013 11:40 AM	11/7/2013 11:35 AM	00:49:00	morgan	morgan	Giles County Sheriff's Office	DOC File	20 KB
C3 11:09 PM	11/7/2013 12:30 PM	11/7/2013 12:30 PM	11/7/2013 12:30 PM	11/7/2013 12:30 PM	11/7/2013 12:23 PM	00:21:00	morgan	morgan	Giles County Sheriff's Office	DOC File	20 KB

Lib C C C C C A P V Ho Co C R Ne

Dunn Demotion 09-27-2013 Date modified: 11/7/2013 12:30 PM Authors: morgan Tags: Add a tag Size: 19.5 KB Content status: Add text

Categories: Add a category Pages: 1

Title: September 27, 2013 Comments: Add comments

ATTACHMENT B